

Exhibit 23

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

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4 **BLACK LOVE RESISTS IN THE RUST, et al.,**
5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.
11 -----

12 **DEPOSITION OF PATRICK OVERDORF**

13 **Taken pursuant to Rule 30(b)(6)**

14 **of the Federal Rules of Civil Procedure**

15 APPEARING REMOTELY FROM

16 BUFFALO, NEW YORK

17 January 24th, 2024

18 At 11:15 a.m.

19 Pursuant to notice

20
21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23
DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

—PATRICK OVERDORF—

1 these were sent to the commands you have
2 captains in the City of Buffalo -- I think
3 there's only 20 -- and I never had reason to
4 doubt necessarily that -- their integrity of
5 their investigations, but with our resources
6 and us being dedicated strictly to the
7 investigation of allegations whether internal
8 or external against police officers that we
9 should be more well-equipped to do so and
10 that's part of the philosophy of why I think
11 we should handle as many as possible.

12 Q. And IAD officers have additional training
13 regarding handling of complaints; is that
14 right?

15 A. They do have training. There's no in-house
16 training necessarily as they come in. Several
17 lieutenants have gone to Dade County and
18 experienced that training. I went to a
19 training in Monroe County presented I believe
20 by the New York State Department of Criminal
21 Justice Services. They had an attorney, Eric
22 Daigle, come.

23 That was my investigatory training, very

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—PATRICK OVERDORF—

1 basic training early on, but internally we
2 don't have a specific training for Internal
3 Affairs investigators.

4 There are trainings that come up. We
5 had an interrogations training with New York
6 State Police just a couple of weeks ago. It's
7 those types that we have.

8 Q. So the proposal you mentioned about IAD
9 investigating all external complaints, has
10 Commissioner Gramaglia signed off on that
11 recommendation?

12 A. I have spoken to him, yes, and he agrees with
13 if we're able to handle the volume of
14 complaints, the external citizen complaints in
15 Internal Affairs, that we should be the
16 investigative body that handles all those.

17 Q. But he hasn't formally signed off on it yet;
18 is that right?

19 A. Well, it's -- so I mean, there's no -- again,
20 it's not codified. This is a program that
21 we're instituting this year. However, I will
22 reserve the right to -- if we become
23 overwhelmed in any way or I feel as though

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1 investigations might suffer because of the
2 volume of complaints that come in that, you
3 know, the complaints that are deemed more
4 minor in terms of discourtesy or that kind of
5 stuff can still be sent to the districts.

6 However, we're going to try to avoid
7 that the best we can. He understands that.
8 If it does become official policy and changing
9 in the Complaint Investigation Manual he is
10 aware of it, but before we go too far down
11 that path we're going to see how it works.

12 Q. When did you have this conversation with
13 Commissioner Gramaglia?

14 A. I don't recall the exact date. I informed him
15 that that was the -- that we were looking to
16 do that and he agreed that's probably the best
17 policy to go with. End of last year maybe.
18 Again, it would be hard for me to specify a
19 date.

20 Q. Does IAD have any specific investigatory
21 procedures for allegations of racial bias?

22 A. Specific to that, no. All allegations come in
23 typically as a citizen complaint and we follow

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1 our investigative practices. Obviously,
2 something like racial discrimination or racial
3 slurs would undoubtedly be considered a major
4 violation and it would be investigated
5 accordingly with all the resources available.

6 Q. Are there specific investigatory procedures
7 for other types of cases? For example,
8 excessive force?

9 A. Again, it's the same basic investigatory
10 practice based on our Complaint Investigation
11 Manual but, again, excessive force just like
12 racial discrimination or racial profiling
13 would be considered a major violation and
14 would take precedence over some of the minor
15 complaints and all the resources available
16 would be dedicated to investigating that
17 excessive force complaint.

18 Q. So just so I understand, the process for all
19 complaints is the same, but you may prioritize
20 complaints based on the seriousness of the
21 allegation. Is that fair?

22 A. Correct.

23 Q. Okay. I'm sorry. One more question about

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary
5 Public, in and for the County of Erie, State of
6 New York, do hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken pursuant
12 to notice at the time and place as herein set
forth; that said testimony was taken down by me
and thereafter transcribed into typewriting,
and I hereby certify the foregoing testimony is
a full, true and correct transcription of my
shorthand notes so taken.

13 I further certify that I am neither counsel
14 for nor related to any party to said action,
15 nor in anyway interested in the outcome
thereof.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name and affixed my seal this
18 3rd day of February, 2024.

19 

20 -----
21 Rebecca Lynne DiBello, CSR (NY)
22 Notary Public - State of New York
23 No. 01D14897420
Qualified in Erie County
My commission expires 5/11/2027

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